

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16160 of Thomas K. Stephenson, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now exceeds the maximum lot occupancy requirement, will increase the nonconformity and will create a new nonconforming rear and side yard [Paragraph 2001.3(a) and (c)], a variance from the lot occupancy requirements (Subsection 403.2), a variance from the rear yard requirements (Subsection 404.1), and a variance from the side yard requirements (Subsection 405.9) for the construction of a deck addition to an existing nonconforming semi-detached dwelling in an R-3 District at premises 4815 Kansas Avenue, N.W. (Square 3215, Lot 47).

HEARING DATE: September 18, 1996 (Bench Decision)
DECISION DATE: September 18, 1996

DISMISSAL ORDER

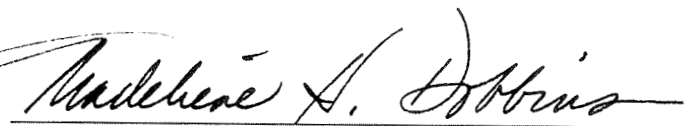
The applicant appeared at the hearing to request variance relief to allow for construction of a deck addition to his dwelling. After making his request, the applicant noted the Office of Planning's position that the deck could be built as a matter of right if its is lowered to no more than four feet above grade. Through its report and oral testimony, the Office of Planning affirmed its position that the applicant is not faced with a practical difficulty; that if the deck is lowered 10 inches, it can be built as a matter of right. The applicant testified that he is willing to lower the deck as suggested by OP.

After receiving these statements from the applicant and the Office of Planning, the Board determined that if the applicant modifies his plans to comply with Zoning Regulations, no relief would be needed in the instant application. Therefore, the Board determined that the application is hereby **DISMISSED** for lack of jurisdiction based upon the applicant's representation that he intends to proceed as a matter-of-right.

VOTE: (By Consensus) (Laura M. Richards, Sheila Cross Reid, Susan Morgan Hinton and Howard F. Croft to dismiss; Angel F. Clarens not present, not participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

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FINAL DATE OF ORDER: NOV 18 1996

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

ord16160/TWR/LJP

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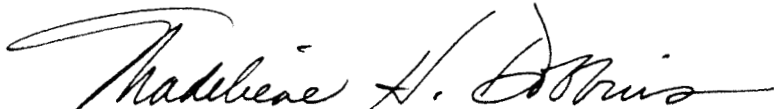


BZA APPLICATION NO. 16160

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 18 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Thomas K. Stephenson
4815 Kansas Avenue, N.W.
Washington, D.C. 20011

Guy X. Valentine, Chairperson
Advisory Neighborhood Commission 4D
715 Kennedy Street, N.W.
Washington, D.C. 20011


MADELIENE H. DOBBINS
Director

Date: NOV 18 1996